

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

<p>INSITUFORM TECHNOLOGIES, INC.,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>AMERICAN HOME ASSURANCE COMPANY,</p> <p style="text-align: center;">Defendant.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>CASE NO. 04-10487 GAO</p>
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**AMERICAN HOME ASSURANCE COMPANY’S CROSS-MOTION FOR SUMMARY  
JUDGMENT AND OPPOSITION TO INSITUFORM TECHNOLOGIES, INC.’S  
MOTION FOR PARTIAL SUMMARY JUDGMENT**

Pursuant to Fed. R. Civ. P. 56, defendant, American Home Assurance Company (“American Home”), hereby cross-moves for summary judgment dismissing the Complaint in its entirety and opposes Insituform Technologies, Inc.’s (“Insituform”) Motion for Partial Summary Judgment. American Home is entitled to summary judgment because the clear and unambiguous language of the umbrella liability insurance policy and, more specifically, its Contractor’s Endorsement does not provide coverage for the claims asserted by Insituform. American Home is, therefore, entitled to judgment as a matter of law.

In support of this Cross-Motion and Opposition, American Home relies on the accompanying (i) Memorandum of Law in Support of its Cross-Motion for Summary Judgment and Opposition to Insituform’s Motion for Partial Summary Judgment and; and (ii) Response to Insituform’s Technologies, Inc.’s Statement of Undisputed Facts.

WHEREFORE, American Home requests that the Court:

1. Grant its Cross-Motion for Summary Judgment;
2. Deny Insituform's Motion for Partial Summary Judgment;
3. Enter judgment dismissing the Complaint in its entirety; and
4. Grant such other further relief this Court deems just and appropriate.

**REQUEST FOR ORAL ARGUMENT**

Pursuant to Local Rule 7.1(D), American Home requests a hearing on this motion and believes that oral argument will assist the Court.

**LOCAL RULE 7.1(A) CERTIFICATION**

By signing below, the undersigned certifies that he has conferred in good faith with counsel for plaintiff in a good faith effort to resolve or narrow the issue presented by this motion.

AMERICAN HOME ASSURANCE COMPANY,

By its Attorneys,

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/s/ G. Rubenstein

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Dated: June \_\_, 2004